

### REMARKS

This application has been carefully reviewed in light of the Office Action dated August 31, 2009. Claims 1 to 21 are in the application, with Claims 1 and 9 being independent. Reconsideration and further examination are respectfully requested.

Claims 1 to 3, 7, 8, and 14 to 21 were rejected under 35 U.S.C. § 102(b) over U.S. Publication No. 2005/0053974 (Lakowicz). Claims 4 to 6, 9 to 21 were rejected under 35 U.S.C. § 103(a) over Lakowicz. These rejections are respectfully traversed.

Claims 1 and 9 recite, *inter alia*, the metal structure (Claim 1) or the aperture (Claim 9) has a crossing section.

By virtue of the above-discussed feature, it is possible to increase the number of corners, and thereby improve detection sensitivity. See, for example, page 16, lines 20 to 22 of the instant specification.

Lakowicz is not seen to disclose or suggest at least the above-discussed feature.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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